Document 5

Case 1:08-cv-05420-KMW

2

Filed 07/14/2008

Page 1 of 2

New York, New York

THIS DOCUMENT WAS ENTERED ON THE DOCKET ON _____.

United States District Court Southern District of New York Office of the Clerk U.S. Courthouse 500 Pearl Street, New York, N.Y. 10007-1213

Date:			
In Re:			
	- v -		
Case #:		()

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

	, Deputy Clerk	
by:		

J. Michael McMahon, Clerk of Court

APPEAL FORMS

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United States District Court Southern District of New York Office of the Clerk U.S. Courthouse 500 Pearl Street, New York, N.Y. 10007-1213

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			NOTICE	OF APPEAL	
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	d				
Notice is hereby given					F 2
hereby appeals to the United Sta	ites Court of A	appeals for the	he Second Circuit	from the Judgment	describe it
entered in this action on the		lav of			
entered in this action on the	(day)	···	(month)	(year)	
				Signature)	
•			((Address)	
			(City, Stat	e and Zip Code)	
Date:			() <u>(Tele</u>	phone Number)	 -

<u>Note</u>: You may use this form to take an appeal provided that it is <u>received</u> by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

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FORM 1 **United States District Court** Southern District of New York Office of the Clerk U.S. Courthouse 500 Pearl Street, New York, N.Y. 10007-1213 MOTION FOR EXTENSION OF TIME TO FILE A NOTICE OF APPEAL -Vciv. respectfully Pursuant to Fed. R. App. P. 4(a)(5), (party) requests leave to file the within notice of appeal out of time. (party) but failed to file a desires to appeal the judgment in this action entered on (day) notice of appeal within the required number of days because: [Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.] (Signature)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

Revised: April 9, 2006

(Address)

(City, State and Zip Code)

FORM 2

United States District Court Southern District of New York Office of the Clerk U.S. Courthouse

NOTICE OF APPEAL AND AND MOTION FOR EXTENSION OF TIME civ. () 1. Notice is hereby given that		Courthouse			
NOTICE OF APPEAL AND MOTION FOR EXTENSION OF TIME civ. () 1. Notice is hereby given that					
NOTICE OF APPEAL AND MOTION FOR EXTENSION OF TIME civ. () 1. Notice is hereby given that	340 1001 0004	· · · · · ·			
AND MOTION FOR EXTENSION OF TIME civ. () 1. Notice is hereby given that		X			
AND MOTION FOR EXTENSION OF TIME civ. () 1. Notice is hereby given that		NOTICE OF APPEAL			
2. In the event that this form was not received in the Clerk's office within the required time respectfully requests the court to grant an extension of time accordance with Fed. R. App. P. 4(a)(5). a. In support of this request,	·	AND			
1. Notice is hereby given that	-V-	MOTION FOR EXTENSION OF TIME			
1. Notice is hereby given that	•				
1. Notice is hereby given that		Civ.			
1. Notice is hereby given that		X			
the United States Court of Appeals for the Second Circuit from the judgment entered on [Give a description of the judgment] 2. In the event that this form was not received in the Clerk's office within the required time respectfully requests the court to grant an extension of time (party) accordance with Fed. R. App. P. 4(a)(5). a. In support of this request,	÷÷+===================================				
the United States Court of Appeals for the Second Circuit from the judgment entered on [Give a description of the judgment] 2. In the event that this form was not received in the Clerk's office within the required time respectfully requests the court to grant an extension of time (party) accordance with Fed. R. App. P. 4(a)(5). a. In support of this request,		hereby onneals t			
2. In the event that this form was not received in the Clerk's office within the required time respectfully requests the court to grant an extension of time (party) accordance with Fed. R. App. P. 4(a)(5). a. In support of this request, this Court's judgment was received on (date) (Cate) (Signature) (Address)		(narty)			
[Give a description of the judgment] 2. In the event that this form was not received in the Clerk's office within the required time respectfully requests the court to grant an extension of time (party) accordance with Fed. R. App. P. 4(a)(5). a. In support of this request,	the United States Court of Appeals for the Second	Circuit from the judgment entered on			
respectfully requests the court to grant an extension of time accordance with Fed. R. App. P. 4(a)(5). a. In support of this request,	[Give a descrip	tion of the judgment]			
respectfully requests the court to grant an extension of time accordance with Fed. R. App. P. 4(a)(5). a. In support of this request,		·			
(party) accordance with Fed. R. App. P. 4(a)(5). a. In support of this request,	•				
a. In support of this request,	(party)				
a. In support of this request,	accordance with Fed. R. App. P. 4(a)(5).				
this Court's judgment was received on and that this form was mailed to court on (date) (Signature) (Address)	In support of this request.	states that			
(date) (date) (Signature) (Address)		(party)			
(Signature) (Address)	this Court's judgment was received on				
(Signature) (Address)	· · · · · · · · · · · · · · · · · · ·	(inte)			
(Address)	(date)				
(Address)		(Signature)			
		(5.5			
(City, State and Zip Code)		(Address)			
(City, State and Zip Code)					
		(City, State and Zip Code)			
		()			

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will <u>receive</u> it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

(Telephone Number)

FORM 3

United States District Court Southern District of New York Office of the Clerk U.S. Courthouse

500 Pearl Street, New York, N.Y. 10007-1213 AFFIRMATION OF SERVICE -Vciv. ______ declare under penalty of perjury that I have served a copy of the attached _ upon whose address is: Date: _ New York, New York (Signature) (Address)

(City, State and Zip Code)